

Message

From: Minoli.Kevin@epa.gov [Minoli.Kevin@epa.gov]
Sent: 4/10/2018 1:49:43 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: Request for an hour today to discuss the ethics program

Matt- I request an hour of your time today before you leave for SF. The purpose is to Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Specifically, I need to discuss:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Message

From: Kevin Bogardus [kbogardus@eenews.net]
Sent: 4/10/2018 2:42:18 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: EPA letter to OGE?

Will do, Kevin. I will say you shared it with E&E News in my story. Thanks again and talk to you later.

-Kevin

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Tuesday, April 10, 2018 10:39 AM
To: Kevin Bogardus <kbogardus@eenews.net>
Subject: Re: EPA letter to OGE?

You may say it was provided by me. I have informed my management that I provided it to you and other reporters that contacted me directly. I do not want anyone to draw a conclusion that I or the ethics program was not providing it to the press. Thank you. Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 10:35 AM, Kevin Bogardus <kbogardus@eenews.net> wrote:

Also, I will say the letter was "obtained by E&E News" in my story. Thanks again for your help.

-Kevin

From: Kevin Bogardus
Sent: Tuesday, April 10, 2018 9:40 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Re: EPA letter to OGE?

Thanks so much, Kevin. Huge help. Really appreciate it.

-Kevin

Sent from my iPhone

On Apr 10, 2018, at 9:37 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Kevin- I am sorry you did not receive a copy. I understand from others they did not receive one either. Here it is.

Thank you, Kevin
<attachment 1.pdf>

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 6:26 AM, Kevin Bogardus <kbogardus@eenews.net> wrote:

Kevin,

Hi, it's Kevin Bogardus with E&E News.

I saw that you signed the EPA letter sent in response to the Office of Government Ethics's letter. I have asked the EPA press office yesterday for your letter but I still have not received it. Can you send me your letter to OGE?

Please let me know. Thank you for your help.

-Kevin

Sent from my iPhone

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/6/2018 11:39:53 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: here's version 3
Attachments: reply to Apol 4-6-18 v3.docx

Message

From: Kevin Bogardus [kbogardus@eenews.net]
Sent: 4/10/2018 2:35:42 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: EPA letter to OGE?

Also, I will say the letter was "obtained by E&E News" in my story. Thanks again for your help.

-Kevin

From: Kevin Bogardus
Sent: Tuesday, April 10, 2018 9:40 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Re: EPA letter to OGE?

Thanks so much, Kevin. Huge help. Really appreciate it.

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Sent from my iPhone

On Apr 10, 2018, at 9:37 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Kevin- I am sorry you did not receive a copy. I understand from others they did not receive one either. Here it is.

Thank you, Kevin
<attachment 1.pdf>

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 6:26 AM, Kevin Bogardus <kbogardus@eenews.net> wrote:

Kevin,

Hi, it's Kevin Bogardus with E&E News.

I saw that you signed the EPA letter sent in response to the Office of Government Ethics's letter. I have asked the EPA press office yesterday for your letter but I still have not received it. Can you send me your letter to OGE?

Please let me know. Thank you for your help.

-Kevin

Sent from my iPhone

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/6/2018 10:58:08 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: version 2
Attachments: reply to Apol 4-6-18 v2.docx

Message

From: Alex Guillen [aguillen@politico.com]
Sent: 4/10/2018 2:21:17 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: Response to OGE

Thanks Kevin, I appreciate it.

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Tuesday, April 10, 2018 10:09 AM
To: Alex Guillen <aguillen@politico.com>
Subject: Re: Response to OGE

I apologize for that. In case it is still helpful, here it is. Kevin

Message

From: Hayley Miller [hayley.miller@huffpost.com]
Sent: 4/10/2018 5:00:15 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Re: HuffPost inquiry

Thank you!

On Tue, Apr 10, 2018 at 10:08 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:
I apologize for that. Here it is. Kevin

--

Hayley Miller
Reporter, /HUFFPOST/
<http://huffpost.com/hayley-miller/>

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/6/2018 10:20:12 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: first draft
Attachments: reply to Apol 4-6-18.docx

Message

From: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]
Sent: 4/10/2018 2:08:59 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Re: Letter from OGE

Hi Kevin, thanks for checking in. I didn't hear anything from the public affairs folks yesterday

Stephanie Ebbs
ABC News-Washington

Ex. 6 Personal Privacy (PP)

@stephebbs

From: Minoli, Kevin <Minoli.Kevin@epa.gov>
Sent: Tuesday, April 10, 2018 9:51:17 AM
To: Ebbs, Stephanie
Subject: Re: Letter from OGE

Hi Stephanie- Checking back. Did you receive a copy of the letter last night? Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 9, 2018, at 6:24 PM, Ebbs, Stephanie <Stephanie.Ebbs@abc.com> wrote:

Hey Kevin,

Just circling back, are you able to confirm that you referred the OGE letter to the inspector general's office?

Thanks

Stephanie Ebbs
ABC News-Washington

Ex. 6 Personal Privacy (PP)

@stephebbs

From: Ebbs, Stephanie
Sent: Monday, April 9, 2018 11:59:30 AM
To: Minoli.Kevin@epa.gov
Subject: Letter from OGE

Hi Kevin,

I saw the letter from the Office of Government Ethics from over the weekend. I'd like to talk to you about the letter if you have a minute or at least give you the opportunity to respond if you have anything to say. Please give me a call if you can.

Thank you

Stephanie Ebbs
ABC News-Washington

Ex. 6 Personal Privacy (PP)

@stephebbs

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/9/2018 5:26:51 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Minoli, Kevin
Sent: Monday, April 09, 2018 1:24 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Inquiry on OGE letter

New draft

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Fugh, Justina
Sent: Monday, April 09, 2018 12:59 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Bowman, Liz
Sent: Monday, April 09, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [mailto:Eli.Watkins@turner.com]
Sent: Monday, April 9, 2018 11:04 AM
To: Press <Press@epa.gov>
Subject: Inquiry on OGE letter

Morning,

Writing in regard to the letter dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

@EliBWatkins
Breaking News Reporter, CNN Politics

Ex. 6 Personal Privacy (PP)

Message

From: Alex Guillen [aguillen@politico.com]
Sent: 4/10/2018 2:03:15 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: Response to OGE

I didn't. We ultimately ran an item in Morning Energy linking to the leaked version in BuzzFeed.

From: Minoli, Kevin [mailto:Minoli.Kevin@epa.gov]
Sent: Tuesday, April 10, 2018 9:53 AM
To: Alex Guillen <aguillen@politico.com>
Subject: Re: Response to OGE

Hi Alex- Checking back: Did you receive a copy of the letter last night? Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 9, 2018, at 3:41 PM, Alex Guillen <aguillen@politico.com> wrote:

Hi Kevin,

Buzzfeed reports that you responded to OGE's Friday letter today by saying you have asked the IG to get involved. Can you please share a copy of your response letter? Do you have any other comment?

Thank you,

Alex Guillén
Energy Reporter
POLITICO Pro

Ex. 6 Personal Privacy (PP)

aguillen@politico.com | [@alexcg Guillen](https://twitter.com/alexcg Guillen)

Message

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 4/9/2018 5:16:23 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Scanning
Attachments: EPA Response to OGE.pdf

As requested.

Monique S. Patrick

Program Specialist
Notary Public
OGC/IO
Main #564-8064
Direct #564-5534
Room #4020C WJC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K. S. Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 4/10/2018 6:55:02 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Re: EPA letter to OGE?

Importance: High
Flag: Follow up

Thanks

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 10, 2018, at 10:15 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

So far this morning I contacted the reporters who had contacted me yesterday and who I had referred to OPA. None of them had received the letter despite the agreement that OPA would provide it, and so I have provided it to them. They are:

E&E

Huffpost

ABC News

Politico

Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 9:41 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Matt-

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 10, 2018 at 9:37:31 AM EDT
To: Kevin Bogardus <kbogardus@eenews.net>
Subject: Re: EPA letter to OGE?

Kevin- I am sorry you did not receive a copy. I understand from others they did not receive one either. Here it is.

Thank you, Kevin

<attachment 1.pdf>

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 6:26 AM, Kevin Bogardus
<kbogardus@eenews.net> wrote:

Kevin,

Hi, it's Kevin Bogardus with E&E News.

I saw that you signed the EPA letter sent in response to the Office of Government Ethics' letter. I have asked the EPA press office yesterday for your letter but I still have not received it. Can you send me your letter to OGE?

Please let me know. Thank you for your help.

-Kevin

Sent from my iPhone

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/9/2018 4:59:14 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Bowman, Liz
Sent: Monday, April 09, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [mailto:Eli.Watkins@turner.com]
Sent: Monday, April 9, 2018 11:04 AM
To: Press <Press@epa.gov>
Subject: Inquiry on OGE letter

Morning,

Writing in regard to the letter dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

@EliBWatkins
Breaking News Reporter, CNN Politics
Ex. 6 Personal Privacy (PP)

Message

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 4/9/2018 4:38:38 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Inquiry on OGE letter

Importance: High
Flag: Follow up

Kevin and Justina are working on a letter. What's the status?

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Bowman, Liz
Sent: Monday, April 9, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [mailto:Eli.Watkins@turner.com]
Sent: Monday, April 9, 2018 11:04 AM
To: Press <Press@epa.gov>
Subject: Inquiry on OGE letter

Morning,

Writing in regard to the letter dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

@EliBWatkins
Breaking News Reporter, CNN Politics
Ex. 6 Personal Privacy (PP)

Message

From: Elkins, Arthur [Elkins.Arthur@epa.gov]
Sent: 4/7/2018 1:09:22 AM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Re: Referral of Letter from the Office of Government Ethics

You too....

Sent from my iPhone

On Apr 6, 2018, at 9:08 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Thank you, and have a nice weekend. Kevin.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 6, 2018, at 8:56 PM, Elkins, Arthur <Elkins.Arthur@epa.gov> wrote:

Thanks, Kevin. We will process your request, and OGE referral, as a hotline complaint, consistent with our practice as described in your below note. I will speak to my staff on Monday and provide you with more detailed info on the path forward shortly thereafter.

Art

Sent from my iPhone

On Apr 6, 2018, at 8:35 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Dear Inspector General Elkins- Late this afternoon I, in my role the Designated Agency Ethics Official, received the attached letter from David J. Apol, Acting Director and General Counsel for the Office of Government Ethics (OGE). The letter cites recent news articles relating to actions or alleged actions of Administrator Pruitt and states that OGE "expects EPA will review and analyze the alleged conduct described" therein. While OGE did not also address its letter to you, we are aware that some or all of the matters included in the letter have been referred to your Office by others.

As you know, the ethics program does not have independent investigatory authority. Rather, if we lack sufficient evidence to assess a potential ethics violation, we have a long-standing practice of referring those matters to the Office of Inspector General. In addition, where we know your Office is investigating a matter, we generally defer to you as the lead on that matter. As a result, I am referring the Office of Government Ethics' letter to you for action as you deem appropriate. As always, the ethics program stands ready to assist your office in any way

we can, and are prepared to act should you determine to refer some or all of the matters back to us for administrative action.

Please let us know if you have any questions or if you would like to discuss the letter.

Thank you, Kevin

Kevin S. Minoli

Principal Deputy General Counsel &
Designated Agency Ethics Official
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

<Letter to EPA DAEO.PDF>

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/7/2018 12:55:37 AM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: last version tonight
Attachments: reply to Apol 4-6-18 v4.docx

I am going home for sure. Will be in Monday afternoon (it's my compressed day, so I have a meeting in the morning).

Here's something fun to share with you: it's the tale of two goats stuck on a bridge earlier today. It made me laugh.

<https://www.npr.org/sections/goatsandsoda/2018/04/06/599888104/so-two-goats-were-stuck-on-a-beam-under-a-bridge?refresh=true>

Message

From: Elkins, Arthur [Elkins.Arthur@epa.gov]
Sent: 4/8/2018 11:56:07 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
CC: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Re: Please see attached

Will do.

Thank you.

Art

Sent from my iPhone

On Apr 8, 2018, at 7:18 PM, Leopold, Matt <Leopold.Matt@epa.gov> wrote:

<!--[if mso 9]--> <!--[endif]--> <image001.jpg>
Art,

I understand that OGC referred this letter from OGE to you on Friday. Let me know if you need anything in this regard.


Thank you, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Minoli, Kevin
Sent: Friday, April 6, 2018 5:01 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Please see attached

Let's connect at 5:15.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Director of OGE [mailto:@oge.gov]
Sent: Friday, April 06, 2018 4:59 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Please see attached

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

<Letter to EPA DAEO.pdf>

Message

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 4/8/2018 11:18:48 PM
To: Elkins, Arthur [Elkins.Arthur@epa.gov]
CC: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: FW: Please see attached
Attachments: Letter to EPA DAEO.pdf

Importance: High
Flag: Follow up

Art,

I understand that OGC referred this letter from OGE to you on Friday. Let me know if you need anything in this regard.

Thank you, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Minoli, Kevin
Sent: Friday, April 6, 2018 5:01 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Please see attached

Let's connect at 5:15.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Director of OGE [mailto:Ex: 5 Personal Privacy (PPP)@oge.gov]
Sent: Friday, April 06, 2018 4:59 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Please see attached

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 6, 2018

Kevin Minoli
Principal Deputy General Counsel
and Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 2310A
Washington, DC 20460

Dear Mr. Minoli:

As the supervising ethics office for the executive branch, the U.S. Office of Government Ethics (OGE) leads an ethics program designed to prevent conflicts of interest on the part of executive branch employees. Public trust demands that all employees act in the public's interest, and free from any actual or perceived conflicts, when fulfilling the governmental responsibilities entrusted to them. Agency heads in particular bear a heightened responsibility, as they are required to "exercise personal leadership in . . . establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency."¹ As the Acting Director of OGE, I am writing to you regarding (1) the recently reported actions of Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), that raise concerns and may constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and Executive Order 13770, and (2) the resulting need for your agency take action to appropriately address any violations.²

First, questions have been raised regarding the Administrator's rental agreement with a lobbyist whose husband's clients were seeking action by the EPA.³ Our understanding is that the Administrator apparently did not seek ethics advice prior to entering into the lease regarding whether entering into such a lease could raise questions about his impartiality.⁴ Similarly, he apparently did not seek ethics advice in advance as to whether the terms of the lease were so favorable as to be a gift from the lobbyist.⁵ Only after the existence of the lease was reported in the press did he provide EPA ethics advisors with limited information about the lease. He then received, based on the incomplete information he provided, an after-the-fact opinion that the lease did not constitute a gift. Additional information has now come to light that calls into question whether the earlier determination that the Administrator paid market value for the use he made of the apartment would still be valid.

¹ 5 C.F.R. § 2638.107.

² See 5 U.S.C. app. § 402(f)(2); 5 C.F.R. § 2638.501.

³ *Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved*, The New York Times (April 2, 2018) (online at <https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html>).

⁴ See 5 C.F.R. § 2635.502.

⁵ See 5 C.F.R. Pt. 2635, subpt. B; Exec. Order 13770 (Jan. 28, 2017), sec. 1, par. 5.

Second, questions have been raised regarding the Administrator's expenses for travel, security, and salaries for some employees,⁶ as well as the use of his subordinates' time. Whether or not an official's travel and other expenses are consistent with regulations or are an appropriate use of scarce government resources is beyond the purview of OGE. Nevertheless, reports of the Administrator making frequent official trips to his home state at Government expense to offset the expense of returning home for personal or political reasons⁷ do raise concerns about whether the Administrator is using his public office for personal gain in violation of ethics rules.⁸ Further, reports that the Administrator's subordinates may have assisted him in finding housing⁹ also raise concerns about whether the Administrator misused his position.¹⁰

Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations.¹¹ If true, it is hard to imagine any action that could more effectively undermine an agency's integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.

The success of our Government depends on maintaining the trust of the people we serve. The American public needs to have confidence that ethics violations, as well as the appearance of ethics violations, are investigated and appropriately addressed. Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or systemic deficiencies in agency programs or procedures. Therefore, as the supervising ethics office for the executive branch, OGE expects that the EPA will review and analyze the alleged conduct described above. I understand that the agency's Office of Inspector General is already reviewing requests for an investigation of some of these matters. If a violation is found, OGE also expects that appropriate action will be taken in response. Similarly, if a violation or misconduct is found, your agency should ensure that processes are in place to prevent similar occurrences in the future. If you have any questions, please do not hesitate to contact my office.

Sincerely,



David J. Apol
Acting Director and General Counsel

⁶ *A Trip to Morocco. A Condo Rental. Here's Why Scott Pruitt Is Under Fire.*, The New York Times (April 4, 2018) (online at <https://www.nytimes.com/2018/04/04/climate/scott-pruitt-condo-travel.html>).

⁷ *Scott Pruitt, Trump's Rule-Cutting E.P.A. Chief, Plots His Political Future*, The New York Times (March 17, 2018) (online at <https://www.nytimes.com/2018/03/17/climate/scott-pruitt-political-ambitions.html>).

⁸ See 5 C.F.R. § 2635.702.

⁹ *EPA staffer helped Pruitt search for housing on weekends: report*, The Hill (April 3, 2018) (online at <http://thehill.com/policy/energy-environment/381442-epa-staffer-helped-pruitt-search-for-housing-on-weekends-report>).

¹⁰ See 5 C.F.R. §§ 2635.702, 2635.705(b).

¹¹ *E.P.A. Officials Sidelined After Questioning Scott Pruitt*, The New York Times (April 5, 2018) (online at <https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html>).

Message

From: Hayley Miller [hayley.miller@huffpost.com]
Sent: 4/10/2018 1:58:13 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Re: HuffPost inquiry

Hey Kevin, thanks for checking in. I have not received your office's response to Apol's letter.

On Tue, Apr 10, 2018 at 9:53 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Hayley- Checking back: did you receive the letter yesterday? Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 9, 2018, at 3:09 PM, Hayley Miller <hayley.miller@huffpost.com> wrote:

Thank you, Kevin.

On Mon, Apr 9, 2018 at 3:08 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Hayley- I am adding in Liz Bowman, head of our Office of Public Affairs. She will be the one sending out any statement or response. Thank you, Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Hayley Miller [mailto:hayley.miller@huffpost.com]
Sent: Monday, April 09, 2018 3:04 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: HuffPost inquiry

Hi Kevin,

I'm a reporter at HuffPost. Have you seen David Apol's letter requesting you investigate a number of reported ethical violations committed by EPA head Scott Pruitt? Do you have a response?

You can also reach me at Ex. 6 Personal Privacy (PP) Thank you!

--

Hayley Miller

Reporter, /**HUFFPOST**/

<http://huffpost.com/hayley-miller/>

--

Hayley Miller

Reporter, /**HUFFPOST**/

<http://huffpost.com/hayley-miller/>

--

Hayley Miller

Reporter, /**HUFFPOST**/

<http://huffpost.com/hayley-miller/>

Message

From: Director of OGE [REDACTED]@oge.gov]
Sent: 4/6/2018 8:59:11 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Please see attached
Attachments: Letter to EPA DAEO.pdf

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 6, 2018

Kevin Minoli
Principal Deputy General Counsel
and Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 2310A
Washington, DC 20460

Dear Mr. Minoli:

As the supervising ethics office for the executive branch, the U.S. Office of Government Ethics (OGE) leads an ethics program designed to prevent conflicts of interest on the part of executive branch employees. Public trust demands that all employees act in the public's interest, and free from any actual or perceived conflicts, when fulfilling the governmental responsibilities entrusted to them. Agency heads in particular bear a heightened responsibility, as they are required to "exercise personal leadership in . . . establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency."¹ As the Acting Director of OGE, I am writing to you regarding (1) the recently reported actions of Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), that raise concerns and may constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and Executive Order 13770, and (2) the resulting need for your agency take action to appropriately address any violations.²

First, questions have been raised regarding the Administrator's rental agreement with a lobbyist whose husband's clients were seeking action by the EPA.³ Our understanding is that the Administrator apparently did not seek ethics advice prior to entering into the lease regarding whether entering into such a lease could raise questions about his impartiality.⁴ Similarly, he apparently did not seek ethics advice in advance as to whether the terms of the lease were so favorable as to be a gift from the lobbyist.⁵ Only after the existence of the lease was reported in the press did he provide EPA ethics advisors with limited information about the lease. He then received, based on the incomplete information he provided, an after-the-fact opinion that the lease did not constitute a gift. Additional information has now come to light that calls into question whether the earlier determination that the Administrator paid market value for the use he made of the apartment would still be valid.

¹ 5 C.F.R. § 2638.107.

² See 5 U.S.C. app. § 402(f)(2); 5 C.F.R. § 2638.501.

³ *Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved*, The New York Times (April 2, 2018) (online at <https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html>).

⁴ See 5 C.F.R. § 2635.502.

⁵ See 5 C.F.R. Pt. 2635, subpt. B; Exec. Order 13770 (Jan. 28, 2017), sec. 1, par. 5.

Second, questions have been raised regarding the Administrator's expenses for travel, security, and salaries for some employees,⁶ as well as the use of his subordinates' time. Whether or not an official's travel and other expenses are consistent with regulations or are an appropriate use of scarce government resources is beyond the purview of OGE. Nevertheless, reports of the Administrator making frequent official trips to his home state at Government expense to offset the expense of returning home for personal or political reasons⁷ do raise concerns about whether the Administrator is using his public office for personal gain in violation of ethics rules.⁸ Further, reports that the Administrator's subordinates may have assisted him in finding housing⁹ also raise concerns about whether the Administrator misused his position.¹⁰

Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations.¹¹ If true, it is hard to imagine any action that could more effectively undermine an agency's integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.

The success of our Government depends on maintaining the trust of the people we serve. The American public needs to have confidence that ethics violations, as well as the appearance of ethics violations, are investigated and appropriately addressed. Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or systemic deficiencies in agency programs or procedures. Therefore, as the supervising ethics office for the executive branch, OGE expects that the EPA will review and analyze the alleged conduct described above. I understand that the agency's Office of Inspector General is already reviewing requests for an investigation of some of these matters. If a violation is found, OGE also expects that appropriate action will be taken in response. Similarly, if a violation or misconduct is found, your agency should ensure that processes are in place to prevent similar occurrences in the future. If you have any questions, please do not hesitate to contact my office.

Sincerely,



David J. Apol
Acting Director and General Counsel

⁶ *A Trip to Morocco. A Condo Rental. Here's Why Scott Pruitt Is Under Fire.*, The New York Times (April 4, 2018) (online at <https://www.nytimes.com/2018/04/04/climate/scott-pruitt-condo-travel.html>).

⁷ *Scott Pruitt, Trump's Rule-Cutting E.P.A. Chief, Plots His Political Future*, The New York Times (March 17, 2018) (online at <https://www.nytimes.com/2018/03/17/climate/scott-pruitt-political-ambitions.html>).

⁸ See 5 C.F.R. § 2635.702.

⁹ *EPA staffer helped Pruitt search for housing on weekends: report*, The Hill (April 3, 2018) (online at <http://thehill.com/policy/energy-environment/381442-epa-staffer-helped-pruitt-search-for-housing-on-weekends-report>).

¹⁰ See 5 C.F.R. §§ 2635.702, 2635.705(b).

¹¹ *E.P.A. Officials Sidelined After Questioning Scott Pruitt*, The New York Times (April 5, 2018) (online at <https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html>).

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 4/9/2018 7:22:00 PM
To: Hayley Miller [hayley.miller@huffpost.com]; Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: HuffPost inquiry

Thanks, Kevin. Hayley – I apologize for reporters reaching out to you directly. You can always just forward these to press@epa.gov and a press officer will respond.

From: Hayley Miller [mailto:hayley.miller@huffpost.com]
Sent: Monday, April 9, 2018 3:09 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: HuffPost inquiry

Thank you, Kevin.

On Mon, Apr 9, 2018 at 3:08 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Hayley- I am adding in Liz Bowman, head of our Office of Public Affairs. She will be the one sending out any statement or response. Thank you, Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Hayley Miller [mailto:hayley.miller@huffpost.com]
Sent: Monday, April 09, 2018 3:04 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: HuffPost inquiry

Hi Kevin,

I'm a reporter at HuffPost. Have you seen David Apol's letter requesting you investigate a number of reported ethical violations committed by EPA head Scott Pruitt? Do you have a response?

You can also reach me at [Ex. 6 Personal Privacy \(PP\)](#) Thank you!

--

Hayley Miller

Reporter, **/HUFFPOST/**

<http://huffpost.com/hayley-miller/>

--

Hayley Miller

Reporter, **/HUFFPOST/**

<http://huffpost.com/hayley-miller/>

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 4/9/2018 7:14:29 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: Inquiry on OGE letter

Yes, that is the plan. We will attribute the comment from you. Thank you all for the quick response.

From: Minoli, Kevin
Sent: Monday, April 9, 2018 3:11 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

I believe Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Fugh, Justina
Sent: Monday, April 09, 2018 3:09 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Minoli, Kevin
Sent: Monday, April 09, 2018 3:03 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Bowman, Liz
Sent: Monday, April 09, 2018 3:01 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Thanks, Kevin.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Minoli, Kevin
Sent: Monday, April 9, 2018 1:40 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Liz- Below is what we would suggest for a statement and attached is the letter I just signed and sent back to OGE.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Bowman, Liz
Sent: Monday, April 09, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [<mailto:Eli.Watkins@turner.com>]

Sent: Monday, April 9, 2018 11:04 AM

To: Press <Press@epa.gov>

Subject: Inquiry on OGE letter

Morning,

Writing in regard to [the letter](#) dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

[@EliBWatkins](#)

Breaking News Reporter, CNN Politics

Ex. 6 Personal Privacy (PP)

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 4/10/2018 5:20:40 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: RE: Request For Your Participation in a Meeting with EPA Senior Leaders This Thursday or Friday

Coming over now ... !

From: Minoli, Kevin
Sent: Tuesday, April 10, 2018 1:05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Request For Your Participation in a Meeting with EPA Senior Leaders This Thursday or Friday

Hi Justina- When you are available I need to connect with you and discuss what I describe below. I also want to discuss **Ex. 5 Deliberative Process (DP)** I am around much of the afternoon.
Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Minoli, Kevin
Sent: Tuesday, April 10, 2018 12:45 PM
To: 'Director of OGE' <**Ex. 5 Deliberative Process (DP)**@oge.gov>
Subject: Request For Your Participation in a Meeting with EPA Senior Leaders This Thursday or Friday

Dear Director Apol- EPA's Executive Management Council (EMC) is meeting here in DC on Thursday and Friday morning of this week. The EMC is a 24-member body comprised of the top career official from each headquarters and regional office, plus, historically, the Deputy Administrator (because that position is currently vacant, I expect Henry Darwin, our Chief of Operations, will attend instead). I have made an emergency request for time on the agenda in order to address the current ethics crisis facing the agency, including those included in your letter **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) If you are available, I request your attendance at least for the opening of the session so that you can underscore the importance of an agency's senior leaders demonstrating their commitment to the Standards of Ethical Conduct – and particularly the importance of the role of career senior leaders **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP) Please let me know if you and others at OGE are available to assist as we prepare over the next two days. We have not been given a specific time for the session as I asked for the chance to consult with you and schedule around your availability, if possible.

Thank you for your interest in ethics at EPA and your assistance as we address the current situation.

Kevin

Kevin S. Minoli
Principal Deputy General Counsel &
Designated Agency Ethics Official

Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/7/2018 12:29:13 AM
To: Fugh, Justina (Fugh.Justina@epa.gov) [Fugh.Justina@epa.gov]
Subject: Draft

Ex. 5 Deliberative Process (DP)

Thank you, Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/7/2018 12:23:44 AM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/9/2018 3:10:29 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Response to OGE

I am getting a number of press inquiries on the letter.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

-----Original Message-----

From: Minoli, Kevin
Sent: Sunday, April 08, 2018 6:34 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Response to OGE

Matt- Justina and I drafted a proposed response to Friday's letter from OGE.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let us know your thoughts on the draft.

Ex. 5 Deliberative Process (DP)

Thanks, Kevin

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/10/2018 5:05:11 PM
To: Fugh, Justina (Fugh.Justina@epa.gov) [Fugh.Justina@epa.gov]
Subject: FW: Request For Your Participation in a Meeting with EPA Senior Leaders This Thursday or Friday

Hi Justina- When you are available I need to connect with you and discuss what I describe below. I also want to
Ex. 5 Deliberative Process (DP) I am around much of the afternoon.
Thanks, Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Minoli, Kevin
Sent: Tuesday, April 10, 2018 12:45 PM
To: 'Director of OGE' <[Ex. 5 Personal Privacy (PP)]@oge.gov>
Subject: Request For Your Participation in a Meeting with EPA Senior Leaders This Thursday or Friday

Dear Director Apol- EPA's Executive Management Council (EMC) is meeting here in DC on Thursday and Friday morning of this week. The EMC is a 24-member body comprised of the top career official from each headquarters and regional office, plus, historically, the Deputy Administrator (because that position is currently vacant, I expect Henry Darwin, our Chief of Operations, will attend instead). I have made an emergency request for time on the agenda in order to address the current ethics crisis facing the agency, including those included in your letter.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) If you are available, I request your attendance at least for the opening of the session so that you can underscore the importance of an agency's senior leaders demonstrating their commitment to the Standards of Ethical Conduct – and particularly the importance of the role of career senior leaders.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Please let me know if you and others at OGE are available to assist as we prepare over the next two days. We have not been given a specific time for the session as I asked for the chance to consult with you and schedule around your availability, if possible.

Thank you for your interest in ethics at EPA and your assistance as we address the current situation.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel &
Designated Agency Ethics Official
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/9/2018 5:40:28 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: FW: Inquiry on OGE letter
Attachments: EPA Response to OGE.PDF

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Minoli, Kevin
Sent: Monday, April 09, 2018 1:40 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Liz- Below is what we would suggest for a statement and attached is the letter I just signed and sent back to OGE.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Bowman, Liz
Sent: Monday, April 09, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [<mailto:Eli.Watkins@turner.com>]

Sent: Monday, April 9, 2018 11:04 AM

To: Press <Press@epa.gov>

Subject: Inquiry on OGE letter

Morning,

Writing in regard to [the letter](#) dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

[@EliBWatkins](#)

[Breaking News Reporter, CNN Politics](#)

Ex. 6 Personal Privacy (PP)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/9/2018 5:39:00 PM
To: Director of OGE [Ex: 5 Personal Privacy (PP)]@oge.gov]
CC: Fugh, Justina (Fugh.Justina@epa.gov) [Fugh.Justina@epa.gov]
Subject: EPA Response to Letter from the Acting Director and General Counsel
Attachments: EPA Response to OGE.PDF

Thank you for your letter. Attached please find the EPA's response.

Thank you, Kevin

Kevin S. Minoli

Designated Agency Ethics Official &
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Director of OGE [mailto:Ex: 5 Personal Privacy (PP)]@oge.gov]
Sent: Friday, April 06, 2018 4:59 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Please see attached

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/10/2018 2:09:59 PM
To: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]
Subject: Re: Letter from OGE
Attachments: attachment 1.pdf; ATT00001.htm

I apologize for that. Here it is. Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 10:09 AM, Ebbs, Stephanie <Stephanie.Ebbs@abc.com> wrote:

Hi Kevin, thanks for checking in. I didn't hear anything from the public affairs folks yesterday

Stephanie Ebbs
ABC News-Washington
Ex. 6 Personal Privacy (PP)
@stephebbs

From: Minoli, Kevin <Minoli.Kevin@epa.gov>
Sent: Tuesday, April 10, 2018 9:51:17 AM
To: Ebbs, Stephanie
Subject: Re: Letter from OGE

Hi Stephanie- Checking back. Did you receive a copy of the letter last night? Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 9, 2018, at 6:24 PM, Ebbs, Stephanie <Stephanie.Ebbs@abc.com> wrote:

Hey Kevin,

Just circling back, are you able to confirm that you referred the OGE letter to the inspector general's office?

Thanks

Stephanie Ebbs
ABC News-Washington
Ex. 6 Personal Privacy (PP)
@stephebbs

From: Ebbs, Stephanie
Sent: Monday, April 9, 2018 11:59:30 AM
To: Minoli, Kevin <epa.gov>
Subject: Letter from OGE

Hi Kevin,

I saw the letter from the Office of Government Ethics from over the weekend. I'd like to talk to you about the letter if you have a minute or at least give you the opportunity to respond if you have anything to say. Please give me a call if you can.

Thank you

Stephanie Ebbs
ABC News-Washington
Ex. 6 Personal Privacy (PP)
@stephebbs



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K. S. Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/10/2018 2:09:27 PM
To: Alex Guillen [aguillen@politico.com]
Subject: Re: Response to OGE
Attachments: attachment 1.pdf; ATT00001.htm

I apologize for that. In case it is still helpful, here it is. Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 10:03 AM, Alex Guillen <aguillen@politico.com> wrote:

I didn't. We ultimately ran an item in Morning Energy linking to the leaked version in Buzzfeed.

From: Minoli, Kevin [<mailto:Minoli.Kevin@epa.gov>]
Sent: Tuesday, April 10, 2018 9:53 AM
To: Alex Guillen <aguillen@politico.com>
Subject: Re: Response to OGE

Hi Alex- Checking back: Did you receive a copy of the letter last night? Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 9, 2018, at 3:41 PM, Alex Guillen <aguillen@politico.com> wrote:

Hi Kevin,

Buzzfeed reports that you responded to OGE's Friday letter today by saying you have asked the IG to get involved. Can you please share a copy of your response letter? Do you have any other comment?

Thank you,

Alex Guillen
Energy Reporter
POLITICO *Pro*

Ex. 6 Personal Privacy (PP)
aguillen@politico.com | [@alexaguillen](https://twitter.com/alexaguillen)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/10/2018 2:08:50 PM
To: Hayley Miller [hayley.miller@huffpost.com]
Subject: Re: HuffPost inquiry
Attachments: attachment 1.pdf; ATT00001.htm

I apologize for that. Here it is. Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 9:58 AM, Hayley Miller <hayley.miller@huffpost.com> wrote:

Hey Kevin, thanks for checking in. I have not received your office's response to Apol's letter.

On Tue, Apr 10, 2018 at 9:53 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Hayley- Checking back: did you receive the letter yesterday? Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 9, 2018, at 3:09 PM, Hayley Miller <hayley.miller@huffpost.com> wrote:

Thank you, Kevin.

On Mon, Apr 9, 2018 at 3:08 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Hayley- I am adding in Liz Bowman, head of our Office of Public Affairs. She will be the one sending out any statement or response. Thank you, Kevin


Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Hayley Miller [<mailto:hayley.miller@huffpost.com>]
Sent: Monday, April 09, 2018 3:04 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: HuffPost inquiry

Hi Kevin,

I'm a reporter at HuffPost. Have you seen David Apol's letter requesting you investigate a number of reported ethical violations committed by EPA head Scott Pruitt? Do you have a response?

You can also reach me at  Thank you!

--

Hayley Miller
Reporter, /HUFFPOST/

<http://huffpost.com/hayley-miller/>

--

Hayley Miller
Reporter, **HUFFPOST**
<http://huffpost.com/hayley-miller/>

--

Hayley Miller
Reporter, **HUFFPOST**
<http://huffpost.com/hayley-miller/>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/9/2018 5:23:40 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Inquiry on OGE letter

New draft

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Fugh, Justina
Sent: Monday, April 09, 2018 12:59 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Bowman, Liz
Sent: Monday, April 09, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [mailto:Eli.Watkins@turner.com]
Sent: Monday, April 9, 2018 11:04 AM

To: Press <Press@epa.gov>

Subject: Inquiry on OGE letter

Morning,

Writing in regard to the letter dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

@EliBWatkins

Breaking News Reporter, CNN Politics

Ex. 6 Personal Privacy (PP)

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/10/2018 4:45:24 PM
To: Director of OGE [REDACTED]@oge.gov
Subject: Request For Your Participation in a Meeting with EPA Senior Leaders This Thursday or Friday

Dear Director Apol- EPA's Executive Management Council (EMC) is meeting here in DC on Thursday and Friday morning of this week. The EMC is a 24-member body comprised of the top career official from each headquarters and regional office, plus, historically, the Deputy Administrator (because that position is currently vacant, I expect Henry Darwin, our Chief of Operations, will attend instead). I have made an emergency request for time on the agenda in order to address the current ethics crisis facing the agency, including those included in your letter.

Ex. 5 Deliberative Process (DP)

[REDACTED] If you are available, I request your attendance at least for the opening of the session so that you can underscore the importance of an agency's senior leaders demonstrating their commitment to the Standards of Ethical Conduct – and particularly the importance of the role of career senior leaders.

[REDACTED] Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let me know if you and others at OGE are available to assist as we prepare over the next two days. We have not been given a specific time for the session as I asked for the chance to consult with you and schedule around your availability, if possible.

Thank you for your interest in ethics at EPA and your assistance as we address the current situation.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel &
Designated Agency Ethics Official
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/9/2018 10:44:09 PM
To: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]
CC: Press [Press@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: Letter from OGE

Hi Stephanie- All of the press inquiries and agency statements need to come through our public affairs office. I have cc'd them here so you should receive our response from them. Thanks, Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Ebbs, Stephanie [mailto:Stephanie.Ebbs@abc.com]
Sent: Monday, April 09, 2018 6:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Re: Letter from OGE

Hey Kevin,

Just circling back, are you able to confirm that you referred the OGE letter to the inspector general's office?

Thanks

Stephanie Ebbs
ABC News-Washington

Ex. 6 Personal Privacy (PP)

@stephebbs

From: Ebbs, Stephanie
Sent: Monday, April 9, 2018 11:59:30 AM
To: Minoli.Kevin@epa.gov
Subject: Letter from OGE

Hi Kevin,

I saw the letter from the Office of Government Ethics from over the weekend. I'd like to talk to you about the letter if you have a minute or at least give you the opportunity to respond if you have anything to say. Please give me a call if you can.

Thank you

Stephanie Ebbs
ABC News-Washington

Ex. 6 Personal Privacy (PP)

@stephebbs

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/9/2018 9:12:14 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: OGE Letter

Matt- **Ex. 5 Deliberative Process (DP)** Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Leopold, Matt
Sent: Monday, April 09, 2018 4:49 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Re: OGE Letter
Importance: High

Is this ok?

Sent from my iPhone

On Apr 9, 2018, at 4:41 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Would this work for a response?

Ex. 5 Deliberative Process (DP)

From: Leopold, Matt
Sent: Monday, April 9, 2018 4:31 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: OGE Letter

Please contact Kevin Minoli. We have referred the OGE letter to the Inspector General.

Sent from my iPhone

On Apr 9, 2018, at 3:28 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

Looping in Matt. We need this ASAP.

Sent from my iPhone

On Apr 9, 2018, at 3:25 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

I'm working on it, I need to talk with Leopold

From: Ferguson, Lincoln
Sent: Monday, April 9, 2018 3:14 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Wilcox, Jahan
<[wilcox.jahan@epa.gov](mailto: wilcox.jahan@epa.gov)>
Cc: Jackson, Ryan <[jackson.ryan@epa.gov](mailto: jackson.ryan@epa.gov)>; Kelly, Albert
<[kelly.albert@epa.gov](mailto: kelly.albert@epa.gov)>
Subject: OGE Letter

What is our response to the OGE letter?

Lincoln Ferguson
Senior Advisor to the Administrator
U.S. EPA
(202) 564-1935

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/8/2018 10:33:41 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Response to OGE
Attachments: reply to Apol 4-6-18 v4.docx; ATT00001.txt

Matt- Justina and I drafted a proposed response to Friday's letter from OGE. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Please let us know your thoughts on the draft.

Ex. 5 Deliberative Process (DP)

Thanks, Kevin

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/7/2018 12:35:34 AM
To: Elkins, Arthur [Elkins.Arthur@epa.gov]; Sheehan, Charles [Sheehan.Charles@epa.gov]; Sullivan, Patrick F. [Sullivan.Patrick@epa.gov]; Larsen, Alan [Larsen.Alan@epa.gov]
CC: Fugh, Justina (Fugh.Justina@epa.gov) [Fugh.Justina@epa.gov]
Subject: Referral of Letter from the Office of Government Ethics
Attachments: Letter to EPA DAEO.PDF

Dear Inspector General Elkins- Late this afternoon I, in my role the Designated Agency Ethics Official, received the attached letter from David J. Apol, Acting Director and General Counsel for the Office of Government Ethics (OGE). The letter cites recent news articles relating to actions or alleged actions of Administrator Pruitt and states that OGE “expects EPA will review and analyze the alleged conduct described” therein. While OGE did not also address its letter to you, we are aware that some or all of the matters included in the letter have been referred to your Office by others.

As you know, the ethics program does not have independent investigatory authority. Rather, if we lack sufficient evidence to assess a potential ethics violation, we have a long-standing practice of referring those matters to the Office of Inspector General. In addition, where we know your Office is investigating a matter, we generally defer to you as the lead on that matter. As a result, I am referring the Office of Government Ethics’ letter to you for action as you deem appropriate. As always, the ethics program stands ready to assist your office in any way we can, and are prepared to act should you determine to refer some or all of the matters back to us for administrative action.

Please let us know if you have any questions or if you would like to discuss the letter.

Thank you, Kevin

Kevin S. Minoli

Principal Deputy General Counsel &
Designated Agency Ethics Official
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 6, 2018

Kevin Minoli
Principal Deputy General Counsel
and Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 2310A
Washington, DC 20460

Dear Mr. Minoli:

As the supervising ethics office for the executive branch, the U.S. Office of Government Ethics (OGE) leads an ethics program designed to prevent conflicts of interest on the part of executive branch employees. Public trust demands that all employees act in the public's interest, and free from any actual or perceived conflicts, when fulfilling the governmental responsibilities entrusted to them. Agency heads in particular bear a heightened responsibility, as they are required to "exercise personal leadership in . . . establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency."¹ As the Acting Director of OGE, I am writing to you regarding (1) the recently reported actions of Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), that raise concerns and may constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and Executive Order 13770, and (2) the resulting need for your agency take action to appropriately address any violations.²

First, questions have been raised regarding the Administrator's rental agreement with a lobbyist whose husband's clients were seeking action by the EPA.³ Our understanding is that the Administrator apparently did not seek ethics advice prior to entering into the lease regarding whether entering into such a lease could raise questions about his impartiality.⁴ Similarly, he apparently did not seek ethics advice in advance as to whether the terms of the lease were so favorable as to be a gift from the lobbyist.⁵ Only after the existence of the lease was reported in the press did he provide EPA ethics advisors with limited information about the lease. He then received, based on the incomplete information he provided, an after-the-fact opinion that the lease did not constitute a gift. Additional information has now come to light that calls into question whether the earlier determination that the Administrator paid market value for the use he made of the apartment would still be valid.

¹ 5 C.F.R. § 2638.107.

² See 5 U.S.C. app. § 402(f)(2); 5 C.F.R. § 2638.501.

³ *Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved*, The New York Times (April 2, 2018) (online at <https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html>).

⁴ See 5 C.F.R. § 2635.502.

⁵ See 5 C.F.R. Pt. 2635, subpt. B; Exec. Order 13770 (Jan. 28, 2017), sec. 1, par. 5.

Second, questions have been raised regarding the Administrator's expenses for travel, security, and salaries for some employees,⁶ as well as the use of his subordinates' time. Whether or not an official's travel and other expenses are consistent with regulations or are an appropriate use of scarce government resources is beyond the purview of OGE. Nevertheless, reports of the Administrator making frequent official trips to his home state at Government expense to offset the expense of returning home for personal or political reasons⁷ do raise concerns about whether the Administrator is using his public office for personal gain in violation of ethics rules.⁸ Further, reports that the Administrator's subordinates may have assisted him in finding housing⁹ also raise concerns about whether the Administrator misused his position.¹⁰

Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations.¹¹ If true, it is hard to imagine any action that could more effectively undermine an agency's integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.

The success of our Government depends on maintaining the trust of the people we serve. The American public needs to have confidence that ethics violations, as well as the appearance of ethics violations, are investigated and appropriately addressed. Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or systemic deficiencies in agency programs or procedures. Therefore, as the supervising ethics office for the executive branch, OGE expects that the EPA will review and analyze the alleged conduct described above. I understand that the agency's Office of Inspector General is already reviewing requests for an investigation of some of these matters. If a violation is found, OGE also expects that appropriate action will be taken in response. Similarly, if a violation or misconduct is found, your agency should ensure that processes are in place to prevent similar occurrences in the future. If you have any questions, please do not hesitate to contact my office.

Sincerely,



David J. Apol
Acting Director and General Counsel

⁶ *A Trip to Morocco. A Condo Rental. Here's Why Scott Pruitt Is Under Fire.*, The New York Times (April 4, 2018) (online at <https://www.nytimes.com/2018/04/04/climate/scott-pruitt-condo-travel.html>).

⁷ *Scott Pruitt, Trump's Rule-Cutting E.P.A. Chief, Plots His Political Future*, The New York Times (March 17, 2018) (online at <https://www.nytimes.com/2018/03/17/climate/scott-pruitt-political-ambitions.html>).

⁸ See 5 C.F.R. § 2635.702.

⁹ *EPA staffer helped Pruitt search for housing on weekends: report*, The Hill (April 3, 2018) (online at <http://thehill.com/policy/energy-environment/381442-epa-staffer-helped-pruitt-search-for-housing-on-weekends-report>).

¹⁰ See 5 C.F.R. §§ 2635.702, 2635.705(b).

¹¹ *E.P.A. Officials Sidelined After Questioning Scott Pruitt*, The New York Times (April 5, 2018) (online at <https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html>).

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/10/2018 1:41:33 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: Fwd: EPA letter to OGE?
Attachments: attachment 1.pdf; ATT00001.htm

Matt-	Ex. 5 Deliberative Process (DP)
	Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)	Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 10, 2018 at 9:37:31 AM EDT
To: Kevin Bogardus <kbogardus@eenews.net>
Subject: Re: EPA letter to OGE?

Kevin- I am sorry you did not receive a copy. I understand from others they did not receive one either. Here it is.

Thank you, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 6:26 AM, Kevin Bogardus <kbogardus@eenews.net> wrote:

Kevin,

Hi, it's Kevin Bogardus with E&E News.

I saw that you signed the EPA letter sent in response to the Office of Government Ethics' letter. I have asked the EPA press office yesterday for your letter but I still have not received it. Can you send me your letter to OGE?

Please let me know. Thank you for your help.

-Kevin

Sent from my iPhone



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel


Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/6/2018 9:01:26 PM
To: Fugh, Justina (Fugh.Justina@epa.gov) [Fugh.Justina@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: FW: Please see attached
Attachments: Letter to EPA DAEO.pdf

Let's connect at 5:15.

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Director of OGE [mailto:@oge.gov]
Sent: Friday, April 06, 2018 4:59 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Please see attached

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 6, 2018

Kevin Minoli
Principal Deputy General Counsel
and Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 2310A
Washington, DC 20460

Dear Mr. Minoli:

As the supervising ethics office for the executive branch, the U.S. Office of Government Ethics (OGE) leads an ethics program designed to prevent conflicts of interest on the part of executive branch employees. Public trust demands that all employees act in the public's interest, and free from any actual or perceived conflicts, when fulfilling the governmental responsibilities entrusted to them. Agency heads in particular bear a heightened responsibility, as they are required to "exercise personal leadership in . . . establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency."¹ As the Acting Director of OGE, I am writing to you regarding (1) the recently reported actions of Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), that raise concerns and may constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and Executive Order 13770, and (2) the resulting need for your agency take action to appropriately address any violations.²

First, questions have been raised regarding the Administrator's rental agreement with a lobbyist whose husband's clients were seeking action by the EPA.³ Our understanding is that the Administrator apparently did not seek ethics advice prior to entering into the lease regarding whether entering into such a lease could raise questions about his impartiality.⁴ Similarly, he apparently did not seek ethics advice in advance as to whether the terms of the lease were so favorable as to be a gift from the lobbyist.⁵ Only after the existence of the lease was reported in the press did he provide EPA ethics advisors with limited information about the lease. He then received, based on the incomplete information he provided, an after-the-fact opinion that the lease did not constitute a gift. Additional information has now come to light that calls into question whether the earlier determination that the Administrator paid market value for the use he made of the apartment would still be valid.

¹ 5 C.F.R. § 2638.107.

² See 5 U.S.C. app. § 402(f)(2); 5 C.F.R. § 2638.501.

³ *Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved*, The New York Times (April 2, 2018) (online at <https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html>).

⁴ See 5 C.F.R. § 2635.502.

⁵ See 5 C.F.R. Pt. 2635, subpt. B; Exec. Order 13770 (Jan. 28, 2017), sec. 1, par. 5.

Second, questions have been raised regarding the Administrator's expenses for travel, security, and salaries for some employees,⁶ as well as the use of his subordinates' time. Whether or not an official's travel and other expenses are consistent with regulations or are an appropriate use of scarce government resources is beyond the purview of OGE. Nevertheless, reports of the Administrator making frequent official trips to his home state at Government expense to offset the expense of returning home for personal or political reasons⁷ do raise concerns about whether the Administrator is using his public office for personal gain in violation of ethics rules.⁸ Further, reports that the Administrator's subordinates may have assisted him in finding housing⁹ also raise concerns about whether the Administrator misused his position.¹⁰

Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations.¹¹ If true, it is hard to imagine any action that could more effectively undermine an agency's integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.

The success of our Government depends on maintaining the trust of the people we serve. The American public needs to have confidence that ethics violations, as well as the appearance of ethics violations, are investigated and appropriately addressed. Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or systemic deficiencies in agency programs or procedures. Therefore, as the supervising ethics office for the executive branch, OGE expects that the EPA will review and analyze the alleged conduct described above. I understand that the agency's Office of Inspector General is already reviewing requests for an investigation of some of these matters. If a violation is found, OGE also expects that appropriate action will be taken in response. Similarly, if a violation or misconduct is found, your agency should ensure that processes are in place to prevent similar occurrences in the future. If you have any questions, please do not hesitate to contact my office.

Sincerely,



David J. Apol
Acting Director and General Counsel

⁶ *A Trip to Morocco. A Condo Rental. Here's Why Scott Pruitt Is Under Fire.*, The New York Times (April 4, 2018) (online at <https://www.nytimes.com/2018/04/04/climate/scott-pruitt-condo-travel.html>).

⁷ *Scott Pruitt, Trump's Rule-Cutting E.P.A. Chief, Plots His Political Future*, The New York Times (March 17, 2018) (online at <https://www.nytimes.com/2018/03/17/climate/scott-pruitt-political-ambitions.html>).

⁸ See 5 C.F.R. § 2635.702.

⁹ *EPA staffer helped Pruitt search for housing on weekends: report*, The Hill (April 3, 2018) (online at <http://thehill.com/policy/energy-environment/381442-epa-staffer-helped-pruitt-search-for-housing-on-weekends-report>).

¹⁰ See 5 C.F.R. §§ 2635.702, 2635.705(b).

¹¹ *E.P.A. Officials Sidelined After Questioning Scott Pruitt*, The New York Times (April 5, 2018) (online at <https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html>).

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/10/2018 1:37:31 PM
To: Kevin Bogardus [kbogardus@eenews.net]
Subject: Re: EPA letter to OGE?
Attachments: attachment 1.pdf; ATT00001.htm

Kevin- I am sorry you did not receive a copy. I understand from others they did not receive one either. Here it is.

Thank you, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 10, 2018, at 6:26 AM, Kevin Bogardus <kbogardus@eenews.net> wrote:

Kevin,

Hi, it's Kevin Bogardus with E&E News.

I saw that you signed the EPA letter sent in response to the Office of Government Ethics' letter. I have asked the EPA press office yesterday for your letter but I still have not received it. Can you send me your letter to OGE?

Please let me know. Thank you for your help.

-Kevin

Sent from my iPhone



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K. S. Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Minoli, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C9C0070D651A4625AC20258369F9B050-KMINOLI]
Sent: 4/6/2018 7:51:28 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Fugh, Justina (Fugh.Justina@epa.gov) [Fugh.Justina@epa.gov]
Subject: Incoming Letter from the Office of Government Ethics Coming Today

Hi Liz and Jahan- I received a call from the Office of Government Ethics letting me know that I will soon receive a letter from them that raises concern with and asks the ethics office to look into some of the issues they have read about this week.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/9/2018 10:23:36 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]
Subject: RE: OGE Letter

Yes.

From: Bowman, Liz
Sent: Monday, April 9, 2018 5:30 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: OGE Letter

Are you all okay with this response?

From: Bowman, Liz
Sent: Monday, April 9, 2018 4:41 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: OGE Letter

Would this work for a response?

Ex. 5 Deliberative Process (DP)

From: Leopold, Matt
Sent: Monday, April 9, 2018 4:31 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: OGE Letter

Please contact Kevin Minoli. We have referred the OGE letter to the Inspector General.

Sent from my iPhone

On Apr 9, 2018, at 3:28 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

Looping in Matt. We need this ASAP.

Sent from my iPhone

On Apr 9, 2018, at 3:25 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

I'm working on it, I need to talk with Leopold

From: Ferguson, Lincoln

Sent: Monday, April 9, 2018 3:14 PM

To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Wilcox, Jahan <wilcox.jahan@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>

Subject: OGE Letter

What is our response to the OGE letter?

Lincoln Ferguson

Senior Advisor to the Administrator

U.S. EPA

(202) 564-1935

Message

From: Kelly, Albert [kelly.albert@epa.gov]
Sent: 4/9/2018 9:48:46 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
CC: Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: OGE Letter

Liz, **Ex. 5 Deliberative Process (DP)**

Sent from my iPad

On Apr 9, 2018, at 2:31 PM, Leopold, Matt <Leopold.Matt@epa.gov> wrote:

Please contact Kevin Minoli. We have referred the OGE letter to the Inspector General.

Sent from my iPhone

On Apr 9, 2018, at 3:28 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

Looping in Matt. We need this ASAP.

Sent from my iPhone

On Apr 9, 2018, at 3:25 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

I'm working on it, I need to talk with Leopold

From: Ferguson, Lincoln
Sent: Monday, April 9, 2018 3:14 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: OGE Letter

What is our response to the OGE letter?

Lincoln Ferguson
Senior Advisor to the Administrator
U.S. EPA
(202) 564-1935

Message

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 4/9/2018 9:47:18 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
Subject: Fwd: OGE Letter

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 9, 2018 at 5:12:14 PM EDT
To: "Leopold, Matt" <Leopold.Matt@epa.gov>
Subject: RE: OGE Letter

Matt- **Ex. 5 Deliberative Process (DP)** Kevin

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Leopold, Matt
Sent: Monday, April 09, 2018 4:49 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Re: OGE Letter
Importance: High

Is this ok?

Sent from my iPhone

On Apr 9, 2018, at 4:41 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Would this work for a response?

Ex. 5 Deliberative Process (DP)

From: Leopold, Matt
Sent: Monday, April 9, 2018 4:31 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: OGE Letter

Please contact Kevin Minoli. We have referred the OGE letter to the Inspector General.

Sent from my iPhone

On Apr 9, 2018, at 3:28 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

Looping in Matt. We need this ASAP.

Sent from my iPhone

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I'm working on it, I need to talk with Leopold

From: Ferguson, Lincoln
Sent: Monday, April 9, 2018 3:14 PM
To: Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: OGE Letter

What is our response to the OGE letter?

Lincoln Ferguson
Senior Advisor to the Administrator
U.S. EPA
(202) 564-1935

Message

From: Kelly, Albert [kelly.albert@epa.gov]
Sent: 4/9/2018 9:46:44 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
CC: Leopold, Matt [Leopold.Matt@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: OGE Letter

Have you checked with Kevin to see status?

Sent from my iPad

On Apr 9, 2018, at 3:43 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Kelly, Albert
Sent: Monday, April 9, 2018 5:39 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: OGE Letter

Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Apr 9, 2018, at 3:29 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Are you all okay with this response?

From: Bowman, Liz
Sent: Monday, April 9, 2018 4:41 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: OGE Letter

Would this work for a response?

Ex. 5 Deliberative Process (DP)

From: Leopold, Matt
Sent: Monday, April 9, 2018 4:31 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>;
Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: OGE Letter

Please contact Kevin Minoli. We have referred the OGE letter to the Inspector General.

Sent from my iPhone

On Apr 9, 2018, at 3:28 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

Looping in Matt. We need this ASAP.

Sent from my iPhone

On Apr 9, 2018, at 3:25 PM, Bowman, Liz <Bowman.Liz@epa.gov>
wrote:

I'm working on it, I need to talk with Leopold

From: Ferguson, Lincoln
Sent: Monday, April 9, 2018 3:14 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan
<wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert
<kelly.albert@epa.gov>
Subject: OGE Letter

What is our response to the OGE letter?

Lincoln Ferguson
Senior Advisor to the Administrator
U.S. EPA
(202) 564-1935

Message

From: Hayley Miller [hayley.miller@huffpost.com]
Sent: 4/10/2018 7:22:48 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
Subject: Re: HuffPost inquiry

Got it -- thanks!

On Tue, Apr 10, 2018 at 3:21 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Hi Hayley – Off the record: we don't have an additional comment, but will let the letter stand.

From: Hayley Miller [mailto:hayley.miller@huffpost.com]
Sent: Tuesday, April 10, 2018 3:12 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: HuffPost inquiry

Oh actually, sorry. I already got this letter.

Does the EPA's IG have a response since Mr. Minoli said he would pass along to the IG?

On Tue, Apr 10, 2018 at 3:11 PM, Hayley Miller <hayley.miller@huffpost.com> wrote:

Thanks!

On Tue, Apr 10, 2018 at 3:10 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Here you go; attached.

From: Hayley Miller [mailto:hayley.miller@huffpost.com]
Sent: Tuesday, April 10, 2018 1:16 PM
To: Press <Press@epa.gov>
Subject: HuffPost inquiry

Hi there,

Does the EPA's OIG have a response to David Apol's letter to Kevin Minoli requesting he address Administrator Scott Pruitt's potential ethics violations? I know Mr. Minoli forwarded to the letter on to the inspector general.

You can also reach me at Ex. 6 Personal Privacy (PP) Thank you!

--

Hayley Miller

Reporter, /**HUFFPOST**/

<http://huffpost.com/hayley-miller/>

--

Hayley Miller

Reporter, /**HUFFPOST**/

<http://huffpost.com/hayley-miller/>

--

Hayley Miller

Reporter, /**HUFFPOST**/

<http://huffpost.com/hayley-miller/>

--

Hayley Miller

Reporter, **HUFFPOST**/

<http://huffpost.com/hayley-miller/>

Message

From: Dennis, Brady [Brady.Dennis@washpost.com]
Sent: 4/10/2018 5:02:01 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: checking in on a couple things

Thanks, Liz.

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Tuesday, April 10, 2018 12:59 PM
To: Dennis, Brady <Brady.Dennis@washpost.com>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Cc: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: RE: checking in on a couple things

[EXTERNAL EMAIL]

Here you go

From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Monday, April 9, 2018 2:34 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Cc: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: checking in on a couple things

Hi all,

Wanted to check in on two specific things today.:

- 1) Any response or comment that the EPA has regarding the OGE's letter today to Kevin Minoli.
- 2) Is the Administrator still planning to be in Mexico this week? If so, what is his itinerary?

Feel free to reach either of us by phone if that's easier.

Thanks,
Brady

The Washington Post

Brady Dennis
National Staff
Health, Science & Environment
Ex. 6 Personal Privacy (PP)
Email: brady.dennis@washpost.com
Twitter: [@brady_dennis](https://twitter.com/brady_dennis) [twitter.com]
Stories: <http://wapo.st/2sS5gfK> [wapo.st]

Message

From: Kevin Bogardus [kbogardus@eenews.net]
Sent: 4/9/2018 7:42:23 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]; Konkus, John [konkus.john@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Block, Molly [block.molly@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]; Press [Press@epa.gov]
Subject: RE: Response to OGE letter and Sen. Carper's letter regarding Samantha Dravis?

Hey everybody, I understand EPA has sent a letter back to OGE and there is a press statement too. Can you pass that onto me as soon as possible? Thanks for your help!

-Kevin

From: Kevin Bogardus
Sent: Monday, April 09, 2018 12:41 PM
To: 'Bowman, Liz' <Bowman.Liz@epa.gov>; 'Konkus, John' <konkus.john@epa.gov>; 'Ferguson, Lincoln' <ferguson.lincoln@epa.gov>; 'Wilcox, Jahan' <wilcox.jahan@epa.gov>; 'Abboud, Michael' <abboud.michael@epa.gov>; 'Hewitt, James' <hewitt.james@epa.gov>; 'Block, Molly' <block.molly@epa.gov>; 'Daniell, Kelsi' <daniell.kelsi@epa.gov>; 'Press' <Press@epa.gov>
Subject: RE: Response to OGE letter and Sen. Carper's letter regarding Samantha Dravis?

Hey guys, any thoughts on the below? Please let me know ASAP. Thanks.

-Kevin

From: Kevin Bogardus
Sent: Monday, April 09, 2018 11:29 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; 'Wilcox, Jahan' <wilcox.jahan@epa.gov>; 'Abboud, Michael' <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>
Subject: Response to OGE letter and Sen. Carper's letter regarding Samantha Dravis?

Hey everyone,

It's Kevin Bogardus with E&E News.

I'm working on a piece about the Office of Government Ethics letter to EPA that just went public (<https://twitter.com/OfficeGovEthics/status/983354596776030217>). In the letter, OGE urges EPA to investigate the ethics allegations surrounding Administrator Pruitt (<https://oge.app.box.com/v/LettertoEPADAE0>). I had a few questions about this, which are:

- What is EPA's response to the OGE letter? Does EPA plan to investigate ethics allegations surrounding Administrator Pruitt?
- Also, Sen. Carper sent a letter to the EPA Inspector General asking why Samantha Dravis was absent for work for several months and still paid as a full-time employee (please see attached). Was Dravis absent from work for several months and still paid as a full-time employee?

Please get back to me as soon as possible. My deadline is 12:30 pm EST today. Thank you for your help.

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

Ex. 6 Personal Privacy (PP)

Follow me [@KevinBogardus](#)

E&E NEWS

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM

Message

From: Wilcox, Jahan [wilcox.jahan@epa.gov]
Sent: 4/9/2018 7:00:47 PM
To: Ballhaus, Rebecca [rebecca.ballhaus@wsj.com]; Press [Press@epa.gov]
Subject: RE: Hey Jahan

Adding the press inbox

From: Ballhaus, Rebecca [mailto:rebecca.ballhaus@wsj.com]
Sent: Monday, April 9, 2018 2:58 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Jahan

Hey -- writing the letter up, so please let me know if you have any comment. Thanks!

Rebecca

On Mon, Apr 9, 2018 at 1:25 PM, Ballhaus, Rebecca <rebecca.ballhaus@wsj.com> wrote:

Hope you're doing well.

Do you have this letter from Dave Apol at OGE? Are you able to share a copy?

All best,

Rebecca

Rebecca Ballhaus
REPORTER

THE WALL STREET JOURNAL.

Ex. 6 Personal Privacy (PP)
E: rebecca.ballhaus@wsj.com
@rebeccaballhaus

--
Rebecca Ballhaus
REPORTER

THE WALL STREET JOURNAL.

Ex. 6 Personal Privacy (PP)
E: rebecca.ballhaus@wsj.com
@rebeccaballhaus

Message

From: Timothy Cama [tcama@thehill.com]
Sent: 4/10/2018 5:00:39 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
CC: Press [Press@epa.gov]
Subject: Re: OGE letter

Thanks, Liz.

--

Timothy Cama, Staff writer
The Hill

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

On Apr 10, 2018 at 12:59 PM, <[Liz Bowman](#)> wrote:

Hi Tim – Letter is attached

From: Timothy Cama [mailto:tcama@thehill.com]
Sent: Monday, April 9, 2018 10:47 AM
To: Press <Press@epa.gov>
Subject: OGE letter

Hi folks-

Attached is a letter from OGE to EPA on the recent ethics news about Pruitt. Would you like to comment?

Thanks.

--

Timothy Cama, Staff writer
The Hill

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Message

From: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) [jdlouhy1@bloomberg.net]
Sent: 4/10/2018 5:18:26 PM
To: Press [Press@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: response on letter from OGE?
Attachments: EPA Response to OGE.PDF

Thank you!

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

Twitter: @jendlouhyhc
Stories: <http://bloom.bg/23Crpvk>

From: Bowman.Liz@epa.gov At: 04/10/18 12:59:28
To: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) , Press@epa.gov
Subject: RE: response on letter from OGE?

Here you go

From: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)
[mailto:jdlouhy1@bloomberg.net]
Sent: Monday, April 9, 2018 11:03 AM
To: Press <Press@epa.gov>
Subject: response on letter from OGE?

Good morning, EPA press.

Would Kevin Minoli and/or EPA representatives like to respond to this letter from OGE to Kevin Minoli?

<https://oge.app.box.com/v/LettertoEPADAEO>

Thanks,

Jen.

Jennifer A. Dlouhy

jdlouhy1@bloomberg.net /

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Twitter: [@jendlouhyhc](https://twitter.com/jendlouhyhc)

Stories: <http://bloom.bg/23Crpvk>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Emily Holden [eholden@politico.com]
Sent: 4/9/2018 3:00:33 PM
To: Press [Press@epa.gov]
CC: Alex Guillen [aguillen@politico.com]
Subject: Any comment on OGE letter?

Hi—would you like to comment?

<https://www.nytimes.com/2018/04/09/climate/epa-ethics-letter-pruitt.html>

Can you address the three concerns directly?: Do you still believe the previous memos from Kevin Minoli clear the administrator's living arrangement? Has administrator Pruitt flown home on personal trips on flights paid for by the government? Did Millan Hupp spend work hours finding him a place to live?

Thank you.

Emily Holden
Reporter, energy/climate

POLITICO

eholden@politico.com

Ex. 6 Personal Privacy (PP)

[@emilyhholden](#)

Message

From: Friedman, Lisa [lisa.friedman@nytimes.com]
Sent: 4/9/2018 2:55:50 PM
To: Wilcox, Jahan [wilcox.jahan@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Press [Press@epa.gov]
Subject: comment on ethics letter

Hello - Does EPA have a comment on the letter that the US Office of Government Ethics sent this morning?

Thank you very much,
Lisa

--

Lisa Friedman
Reporter, New York Times

Ex. 6 Personal Privacy (PP)

Message

From: schaffer, joan [schafer.joan@epa.gov]
Sent: 4/9/2018 6:34:09 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Press [Press@epa.gov]
Subject: FW: Media Inquiry: USOGE's Letter To Kevin Minoli

Folks – below is one for you...thank you.

joan

From: Danielle Smith [mailto:danielle.smith@law360.com]
Sent: Monday, April 09, 2018 2:30 PM
To: schaffer, joan <schafer.joan@epa.gov>
Subject: Media Inquiry: USOGE's Letter To Kevin Minoli

Hello,

My name is Danielle Smith, and I'm working on a story for Law360.com about a letter from David J. Apol of the U.S. Office of Government Ethics to Kevin Minoli of the Environmental Protection Agency regarding concerns about Scott Pruitt's behavior. I was reaching out to see if anyone would like to discuss the letter with me or provide comment. My deadline is in about an hour and a half, but if someone were to get back to me after that, I could likely update the story with comment if necessary.

Kindest regards,

Danielle

--

Danielle Smith
Reporter



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Legal News & Data
111 W. 19th Street, 5th Floor
New York, NY 10011

Ex. 6 Personal Privacy (PP)

Message

From: Timothy Cama [tcama@thehill.com]
Sent: 4/9/2018 2:46:42 PM
To: Press [Press@epa.gov]
Subject: OGE letter
Attachments: Letter-to-EPA-DAEO.pdf

Hi folks-

Attached is a letter from OGE to EPA on the recent ethics news about Pruitt. Would you like to comment?

Thanks.

--

Timothy Cama, Staff writer
The Hill

Ex. 6 Personal Privacy (PP)

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 6, 2018

Kevin Minoli
Principal Deputy General Counsel
and Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 2310A
Washington, DC 20460

Dear Mr. Minoli:

As the supervising ethics office for the executive branch, the U.S. Office of Government Ethics (OGE) leads an ethics program designed to prevent conflicts of interest on the part of executive branch employees. Public trust demands that all employees act in the public's interest, and free from any actual or perceived conflicts, when fulfilling the governmental responsibilities entrusted to them. Agency heads in particular bear a heightened responsibility, as they are required to "exercise personal leadership in . . . establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency."¹ As the Acting Director of OGE, I am writing to you regarding (1) the recently reported actions of Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), that raise concerns and may constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and Executive Order 13770, and (2) the resulting need for your agency take action to appropriately address any violations.²

First, questions have been raised regarding the Administrator's rental agreement with a lobbyist whose husband's clients were seeking action by the EPA.³ Our understanding is that the Administrator apparently did not seek ethics advice prior to entering into the lease regarding whether entering into such a lease could raise questions about his impartiality.⁴ Similarly, he apparently did not seek ethics advice in advance as to whether the terms of the lease were so favorable as to be a gift from the lobbyist.⁵ Only after the existence of the lease was reported in the press did he provide EPA ethics advisors with limited information about the lease. He then received, based on the incomplete information he provided, an after-the-fact opinion that the lease did not constitute a gift. Additional information has now come to light that calls into question whether the earlier determination that the Administrator paid market value for the use he made of the apartment would still be valid.

¹ 5 C.F.R. § 2638.107.

² See 5 U.S.C. app. § 402(f)(2); 5 C.F.R. § 2638.501.

³ *Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved*, The New York Times (April 2, 2018) (online at <https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html>).

⁴ See 5 C.F.R. § 2635.502.

⁵ See 5 C.F.R. Pt. 2635, subpt. B; Exec. Order 13770 (Jan. 28, 2017), sec. 1, par. 5.

Second, questions have been raised regarding the Administrator's expenses for travel, security, and salaries for some employees,⁶ as well as the use of his subordinates' time. Whether or not an official's travel and other expenses are consistent with regulations or are an appropriate use of scarce government resources is beyond the purview of OGE. Nevertheless, reports of the Administrator making frequent official trips to his home state at Government expense to offset the expense of returning home for personal or political reasons⁷ do raise concerns about whether the Administrator is using his public office for personal gain in violation of ethics rules.⁸ Further, reports that the Administrator's subordinates may have assisted him in finding housing⁹ also raise concerns about whether the Administrator misused his position.¹⁰

Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations.¹¹ If true, it is hard to imagine any action that could more effectively undermine an agency's integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.

The success of our Government depends on maintaining the trust of the people we serve. The American public needs to have confidence that ethics violations, as well as the appearance of ethics violations, are investigated and appropriately addressed. Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or systemic deficiencies in agency programs or procedures. Therefore, as the supervising ethics office for the executive branch, OGE expects that the EPA will review and analyze the alleged conduct described above. I understand that the agency's Office of Inspector General is already reviewing requests for an investigation of some of these matters. If a violation is found, OGE also expects that appropriate action will be taken in response. Similarly, if a violation or misconduct is found, your agency should ensure that processes are in place to prevent similar occurrences in the future. If you have any questions, please do not hesitate to contact my office.

Sincerely,



David J. Apol
Acting Director and General Counsel

⁶ *A Trip to Morocco. A Condo Rental. Here's Why Scott Pruitt Is Under Fire.*, The New York Times (April 4, 2018) (online at <https://www.nytimes.com/2018/04/04/climate/scott-pruitt-condo-travel.html>).

⁷ *Scott Pruitt, Trump's Rule-Cutting E.P.A. Chief, Plots His Political Future*, The New York Times (March 17, 2018) (online at <https://www.nytimes.com/2018/03/17/climate/scott-pruitt-political-ambitions.html>).

⁸ See 5 C.F.R. § 2635.702.

⁹ *EPA staffer helped Pruitt search for housing on weekends: report*, The Hill (April 3, 2018) (online at <http://thehill.com/policy/energy-environment/381442-epa-staffer-helped-pruitt-search-for-housing-on-weekends-report>).

¹⁰ See 5 C.F.R. §§ 2635.702, 2635.705(b).

¹¹ *E.P.A. Officials Sidelined After Questioning Scott Pruitt*, The New York Times (April 5, 2018) (online at <https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html>).

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/9/2018 7:30:55 PM
To: Ferguson, Lincoln [ferguson.lincoln@epa.gov]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: OGE Letter

Lincoln, I just went to find you – please call me when you get a second

From: Ferguson, Lincoln
Sent: Monday, April 9, 2018 3:29 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Re: OGE Letter

Looping in Matt. We need this ASAP.

Sent from my iPhone

On Apr 9, 2018, at 3:25 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

I'm working on it, I need to talk with Leopold

From: Ferguson, Lincoln
Sent: Monday, April 9, 2018 3:14 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: OGE Letter

What is our response to the OGE letter?

Lincoln Ferguson
Senior Advisor to the Administrator
U.S. EPA
(202) 564-1935

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/9/2018 7:19:54 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]
Subject: FW: Inquiry on OGE letter
Attachments: EPA Response to OGE.PDF

Can we chat quickly when you have a minute about this letter? Sorry, I know you are really busy.

From: Minoli, Kevin
Sent: Monday, April 9, 2018 1:40 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Liz- **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Kevin

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Bowman, Liz
Sent: Monday, April 09, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [mailto:Eli.Watkins@turner.com]
Sent: Monday, April 9, 2018 11:04 AM
To: Press <Press@epa.gov>
Subject: Inquiry on OGE letter

Morning,

Writing in regard to the letter dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

@EliBWatkins

Breaking News Reporter, CNN Politics

Ex. 6 Personal Privacy (PP)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K. S. Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/9/2018 7:16:38 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]
Subject: RE: Inquiry on OGE letter

Thank you.

From: Minoli, Kevin
Sent: Monday, April 9, 2018 3:03 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Bowman, Liz
Sent: Monday, April 09, 2018 3:01 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Thanks, Kevin.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Minoli, Kevin
Sent: Monday, April 9, 2018 1:40 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: RE: Inquiry on OGE letter

Liz:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kevin S. Minoli

Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

From: Bowman, Liz
Sent: Monday, April 09, 2018 12:24 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Subject: FW: Inquiry on OGE letter

Ex. 5 Deliberative Process (DP)

From: Watkins, Eli [<mailto:Eli.Watkins@turner.com>]
Sent: Monday, April 9, 2018 11:04 AM
To: Press <Press@epa.gov>
Subject: Inquiry on OGE letter

Morning,

Writing in regard to the letter dated last Friday outlining concerns from OGE on Administrator Pruitt's actions in office and the EPA's resulting need to address the concerns. Does the EPA challenge any of the assertions in the letter, and will the EPA "review and analyze the alleged conduct" as the letter says OGE expects? Does the agency have anything to add in response to the letter?

Regards,
Eli

@EliBWatkins

Breaking News Reporter, CNN Politics

Ex. 6 Personal Privacy (PP)

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/10/2018 4:59:46 PM
To: Timothy Cama [tcama@thehill.com]; Press [Press@epa.gov]
Subject: RE: OGE letter
Attachments: EPA Response to OGE.PDF

Hi Tim – Letter is attached

From: Timothy Cama [mailto:tcama@thehill.com]
Sent: Monday, April 9, 2018 10:47 AM
To: Press <Press@epa.gov>
Subject: OGE letter

Hi folks-

Attached is a letter from OGE to EPA on the recent ethics news about Pruitt. Would you like to comment?

Thanks.

--

Timothy Cama, Staff writer
The Hill

Ex. 6 Personal Privacy (PP)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
Acting Director and General Counsel
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, D.C. 20005

Dear Mr. Apol:

As the Designated Agency Ethics Official for the United States Environmental Protection Agency (EPA), I am writing to acknowledge receipt of your April 6, 2018, letter. In that letter, you cited press articles regarding EPA Administrator E. Scott Pruitt's reported actions. You asked the EPA ethics office to review and analyze those alleged actions to determine whether any constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

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We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/10/2018 4:59:38 PM
To: Emily Holden [eholden@politico.com]; Press [Press@epa.gov]
CC: Alex Guillen [aguillen@politico.com]
Subject: RE: Any comment on OGE letter?
Attachments: EPA Response to OGE.PDF

Hi Emily – Letter is attached.

From: Emily Holden [mailto:eholden@politico.com]
Sent: Monday, April 9, 2018 11:01 AM
To: Press <Press@epa.gov>
Cc: Alex Guillen <aguillen@politico.com>
Subject: Any comment on OGE letter?

Hi—would you like to comment?

<https://www.nytimes.com/2018/04/09/climate/epa-ethics-letter-pruitt.html>

Can you address the three concerns directly?: Do you still believe the previous memos from Kevin Minoli clear the administrator's living arrangement? Has administrator Pruitt flown home on personal trips on flights paid for by the government? Did Millan Hupp spend work hours finding him a place to live?

Thank you.

Emily Holden
Reporter, energy/climate

POLITICO

eholden@politico.com

Ex. 6 Personal Privacy (PP) (Mobile, WhatsApp, Signal, Confide)

[@emilyhholden](#)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

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GENERAL COUNSEL

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Acting Director and General Counsel
U.S. Office of Government Ethics
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Principal Deputy General Counsel

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From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/10/2018 4:59:25 PM
To: Jennifer A. Dlouhy [jdlouhy1@bloomberg.net]; Press [Press@epa.gov]
Subject: RE: response on letter from OGE?
Attachments: EPA Response to OGE.PDF

Here you go

From: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) [mailto:jdlouhy1@bloomberg.net]
Sent: Monday, April 9, 2018 11:03 AM
To: Press <Press@epa.gov>
Subject: response on letter from OGE?

Good morning, EPA press.

Would Kevin Minoli and/or EPA representatives like to respond to this letter from OGE to Kevin Minoli?

<https://oge.app.box.com/v/LettertoEPADAE0>

Thanks,
Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)
Twitter: @jendlouhyhc
Stories: <http://bloom.bg/23Crvk>



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Principal Deputy General Counsel

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Sent: 4/10/2018 5:11:38 PM
To: Zahra Hirji [zahra.hirji@buzzfeed.com]
Subject: Re: Media Request: Response to OGE letter?

Oh sorry. No, Just been busy and thought someone else was sending

Sent from my iPhone

On Apr 10, 2018, at 1:06 PM, Zahra Hirji <zahra.hirji@buzzfeed.com> wrote:

Ah, ok, thanks. I did obtain a copy of this letter yesterday, and published it in my original OGE story (link previously shared). Is there a reason for the nearly 24 hour delay in sending?

Best,
Zahra

On Tue, Apr 10, 2018 at 1:00 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Off the record: we are going to let the letter speak for itself.

From: Zahra Hirji [mailto:zahra.hirji@buzzfeed.com]
Sent: Tuesday, April 10, 2018 1:00 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: Media Request: Response to OGE letter?

Thanks Liz. Is there any statement along with this?

On Tue, Apr 10, 2018 at 12:57 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Here you go

From: Zahra Hirji [mailto:zahra.hirji@buzzfeed.com]
Sent: Tuesday, April 10, 2018 8:07 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Re: Media Request: Response to OGE letter?

I wanted to follow up on this.

Best,

Zahra

On Mon, Apr 9, 2018 at 2:36 PM, Zahra Hirji <zahra.hirji@buzzfeed.com> wrote:

I wanted to follow up on this.

Thanks,
Zahra

On Mon, Apr 9, 2018 at 1:48 PM, Zahra Hirji <zahra.hirji@buzzfeed.com> wrote:

Hey Liz,

I'm writing for BuzzFeed News about OGE's letter last Friday asking EPA's ethics office to review Pruitt's many ethics allegations. Can the EPA comment on this letter, and how it's planning to respond (if at all) to the request? I am on deadline. I have an initial story up about the letter, and am updating over the next few hours.

Best,
Zahra

Zahra Hirji

Reporter

BuzzFeed News

Ex. 6 Personal Privacy (PP)

Zahra.Hirji@buzzfeed.com

@zhirji28

--

Zahra Hirji

Reporter

BuzzFeed News

Ex. 6 Personal Privacy (PP)

Zahra.Hirji@buzzfeed.com

@zhirji28

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Reporter

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@zhirji28

--

Zahra Hirji

Reporter

BuzzFeed News

Ex. 6 Personal Privacy (PP)

Zahra.Hirji@buzzfeed.com

@zhirji28

Message

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Sent: 4/10/2018 4:59:04 PM
To: Elvina Nawaguna [elvinanawaguna@cqrollcall.com]; Press [Press@epa.gov]
Subject: RE: OGE rebukes Pruitt over ethical snags
Attachments: EPA Response to OGE.PDF

Letter attached

From: Elvina Nawaguna [mailto:elvinanawaguna@cqrollcall.com]
Sent: Monday, April 9, 2018 12:38 PM
To: Press <Press@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: OGE rebukes Pruitt over ethical snags

Good afternoon.

I'm looking for a response from Admin Pruitt's office over [this letter](#) from the Office of Government Ethics warning him about the continued allegations of ethical misconduct and saying if true, they undermine the integrity of the EPA.

How does the EPA intend to respond to this? Are there any measures being put in place to ensure such incidences or the appearance of ethical misconduct do not continue?

Grateful for a response by 2 p.m. eastern.

Thanks.

Elvina Nawaguna
Energy and Environment Reporter
CQ Roll Call
1625 Eye St. NW #200
Washington, DC 20006

Ex. 6 Personal Privacy (PP)

This e-mail may contain confidential material. If you are not an intended recipient, please notify the sender and delete all copies. It may also contain personal views which are not the views of CQ Roll Call or its owner, The Economist Group. We may monitor e-mail to and from our network. For company information go to <http://legal.economistgroup.com>.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

APR - 9 2018

OFFICE OF
GENERAL COUNSEL

David J. Apol
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Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

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Sent: 4/10/2018 4:57:58 PM
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CC: Press [Press@epa.gov]
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Attachments: EPA Response to OGE.PDF

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Zahra Hirji
Reporter
BuzzFeed News

Ex. 6 Personal Privacy (PP)

Zahra.Hirji@buzzfeed.com
[@zhirji28](#)

--
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Reporter
BuzzFeed News

Ex. 6 Personal Privacy (PP)

Zahra.Hirji@buzzfeed.com
@zhirji28

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Reporter
BuzzFeed News

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Zahra.Hirji@buzzfeed.com
@zhirji28



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Sent: 4/10/2018 4:55:03 PM
To: Jahan Wilcox (wilcox.jahan@epa.gov) [wilcox.jahan@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; hewitt.james@epa.gov; Konkus, John [konkus.john@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Block, Molly [block.molly@epa.gov]; Kelsi Daniell (daniell.kelsi@epa.gov) [daniell.kelsi@epa.gov]
CC: Lincoln Ferguson (ferguson.lincoln@epa.gov) [ferguson.lincoln@epa.gov]
Subject: OGE letter
Attachments: EPA Response to OGE.PDF

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks

– Liz



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Sent: 4/10/2018 4:52:49 PM
To: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]
Subject: OGE Letter
Attachments: EPA Response to OGE.PDF

Off the record: attached, please find the letter. I would not like to provide additional comment, and will allow the letter to speak for itself.

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293



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APR - 9 2018

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Sent: 4/9/2018 7:59:59 PM
To: Lincoln Ferguson (ferguson.lincoln@epa.gov) [ferguson.lincoln@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]
Subject: FW: Inquiry on OGE letter
Attachments: EPA Response to OGE.PDF

This is the letter and what Kevin wrote **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/10/2018 7:10:03 PM
To: Hayley Miller [hayley.miller@huffpost.com]; Press [Press@epa.gov]
Subject: RE: HuffPost inquiry
Attachments: EPA Response to OGE.PDF

Here you go; attached.

From: Hayley Miller [mailto:hayley.miller@huffpost.com]
Sent: Tuesday, April 10, 2018 1:16 PM
To: Press <Press@epa.gov>
Subject: HuffPost inquiry

Hi there,

Does the EPA's OIG have a response to David Apol's letter to Kevin Minoli requesting he address Administrator Scott Pruitt's potential ethics violations? I know Mr. Minoli forwarded to the letter on to the inspector general.

You can also reach me at Ex. 6 Personal Privacy (PP) Thank you!

--

Hayley Miller
Reporter, **/HUFFPOST/**
<http://huffpost.com/hayley-miller/>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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We are committed to ensuring that the EPA and all of its employees serve the public trust free from any actual or perceived conflicts. To that end, EPA's ethics officials provide advice and counseling to prospective, current and former employees regarding federal ethics laws and regulations based upon the information available to us. As you and I discussed briefly, however, federal ethics officials lack independent investigatory authority. Consequently, in an instance in which the EPA ethics office lacks sufficient evidence to assess fully an ethics matter, we have a long-standing practice of referring it to the EPA's Inspector General (IG) for investigation. As you know, the IG has independent authority to investigate allegations of fraud, waste, abuse, and corruption. When the IG is investigating a matter, we generally defer to his office to take the lead.

Consistent with our practice, we referred your letter to the EPA IG. We will coordinate as closely as possible with the EPA IG as he carries out his review. To the extent that there are ethics issues to resolve, we will serve as the subject matter expert on those issues. As always, the EPA's ethics office stands ready to assist the IG in any way. Finally, if the IG identifies recommendations or areas for improving our counselling effort, we will pursue improvements to the program.

We appreciate your interest in the EPA and your assistance as we fulfill our obligations to ensure compliance with federal ethics laws and regulations.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official and
Principal Deputy General Counsel

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/10/2018 7:09:02 PM
To: Elvina Nawaguna [elvinanawaguna@cqrollcall.com]
Subject: RE: OGE rebukes Pruitt over ethical snags

Hi Elvina – Apologies for any confusion and/or lack of timely responses. As you can imagine, we have a lot of inquiries right now and we are doing our best to be on top of it. Please continue to reach out to us if you feel that you aren't getting responses in a timely manner. You can always email me directly (when you copy the press box I don't always see it right away) if you need additional assistance. Thank you -- Liz

From: Elvina Nawaguna [mailto:elvinanawaguna@cqrollcall.com]
Sent: Tuesday, April 10, 2018 1:08 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: OGE rebukes Pruitt over ethical snags

Hi Liz,
Thanks for sending this. The story already went out yesterday stating that EPA did not respond to a request for comment and we typically do not update stories a day later. I notice the letter is dated 4/9, so it would have been helpful to have it then.
I've noticed that recently several of my inquiries are not getting responses and I'm having to frequently say in my stories that the EPA did not get back to me. It would be helpful to get responses, even if to say you prefer not to comment. I always reach out because I want to be fair in my reporting and accurately convey the EPA's position or response.
Grateful if you can look into this.
Thanks.

Elvina Nawaguna
Energy and Environment Reporter
CQ Roll Call
1625 Eye St. NW #200
Washington, DC 20006

Ex. 6 Personal Privacy (PP)

On 10 April 2018 at 12:59, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Letter attached

From: Elvina Nawaguna [mailto:elvinanawaguna@cqrollcall.com]
Sent: Monday, April 9, 2018 12:38 PM

To: Press <Press@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>

Subject: OGE rebukes Pruitt over ethical snags

Good afternoon.

I'm looking for a response from Admin Pruitt's office over [this letter](#) from the Office of Government Ethics warning him about the continued allegations of ethical misconduct and saying if true, they undermine the integrity of the EPA.

How does the EPA intend to respond to this? Are there any measures being put in place to ensure such incidences or the appearance of ethical misconduct do not continue?

Grateful for a response by 2 p.m. eastern.

Thanks.

Elvina Nawaguna
Energy and Environment Reporter
CQ Roll Call
1625 Eye St. NW #200
Washington, DC 20006

Ex. 6 Personal Privacy (PP)

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Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/9/2018 9:29:34 PM
To: Leopold, Matt [Leopold.Matt@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]
Subject: RE: OGE Letter

Are you all okay with this response?

From: Bowman, Liz
Sent: Monday, April 9, 2018 4:41 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: OGE Letter

Would this work for a response?

Ex. 5 Deliberative Process (DP)

From: Leopold, Matt
Sent: Monday, April 9, 2018 4:31 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: OGE Letter

Please contact Kevin Minoli. We have referred the OGE letter to the Inspector General.

Sent from my iPhone

On Apr 9, 2018, at 3:28 PM, Ferguson, Lincoln <ferguson.lincoln@epa.gov> wrote:

Looping in Matt. We need this ASAP.

Sent from my iPhone

On Apr 9, 2018, at 3:25 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

I'm working on it, I need to talk with Leopold

From: Ferguson, Lincoln
Sent: Monday, April 9, 2018 3:14 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: OGE Letter

What is our response to the OGE letter?

Lincoln Ferguson

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/10/2018 2:57:25 PM
To: Ebbs, Stephanie [Stephanie.Ebbs@abc.com]; Wilcox, Jahan [wilcox.jahan@epa.gov]
Subject: RE: OGE response and other questions

On background: EPA's ethics office does not conduct audits, so therefore, EPA referred the Office of Government Ethics back to EPA's OIG.

From: Ebbs, Stephanie [mailto:Stephanie.Ebbs@abc.com]
Sent: Monday, April 9, 2018 5:49 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: OGE response and other questions

Checking in, are you able to confirm that the OGE letter was referred to the IG? Thanks

Stephanie Ebbs

ABC News-Washington

Ex. 6 Personal Privacy (PP)

@stephebbs

From: Ebbs, Stephanie
Sent: Monday, April 9, 2018 3:58:20 PM
To: EPA Liz Bowman; Wilcox, Jahan
Subject: OGE response and other questions

Hey guys,

Trying to keep all our questions in one place.

What's the status of the OGE letter, has it been referred to the IG and are you able to share the response?

And on the developments regarding the raises. Are you aware of Sen. Duckworth's letter asking GAO to investigate whether the raises violated the anti-deficiency act? Is there any further statement on whether the administrator was aware of these raises or if he wasn't whether any action has been taken regarding staff that made the decision without his knowledge?

Thank you

Stephanie Ebbs

ABC News-Washington

Ex. 6 Personal Privacy (PP)

@stephebbbs